



HOW CULTURE AFFECTS ABORTION LAWS AND ITS IMPACTS

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ABSTRACT

The Supreme Court's role in shaping reproductive rights for women in the United States has been significant since the landmark ruling in *Roe v. Wade* in 1973. However, the ongoing debate over access to reproductive healthcare and abortion rights persisted, leading to the recent overturning of *Roe v. Wade* in 2022. This research explores the impact of legislative laws on abortion in the United States, focusing on the *Dobbs v. Jackson* case and its aftermath. This research discusses how trigger bans and gestational bans have resulted in a rapid decline in access to abortion services, particularly for marginalized communities. It also highlights the impact of these laws on young pregnant girls, who already face limited abortion options due to existing restrictions. This research further examines the role of culture in shaping views on abortion, including religious beliefs, stigma, and geographical location. It concludes by discussing the shift from pro-life to pro-choice views among Americans and the need for increased media coverage and advocacy campaigns to challenge stigma and humanize the abortion experience.

KEYWORDS: Abortion, Reproductive Rights, Culture, Trigger Bans, Gestational Bans, Childcare

INTRODUCTION

Throughout US history, the Supreme Court has played a pivotal role in shaping the reproductive rights of women. The landmark ruling in *Roe v. Wade* in 1973 changed the course of reproductive rights for all women in the United States by granting them the constitutional right to choose whether or not to have an abortion (*Roe v. Wade Case Brief Summary*, 2021). Nevertheless, the ongoing debate over access to reproductive healthcare and abortion rights persisted. In 2022, the *Dobbs v. Jackson* case took place, which led to the overturning of *Roe v. Wade*, a ruling that had been held for nearly half a century. This meant the end of the constitutional right to abortion (Totenberg & McCammon, 2022). Following the overturning of *Roe v. Wade* in 2022, access to abortion differed greatly from state to state and increased the number of trigger bans present, which are aimed at pushing more anti-abortion laws (Totenberg & McCammon, 2022). According to an article published by J Health Polit Policy Law from Duke University, abortion affects one in four US women. So, it is imperative to understand that the impacts of legislative laws on abortion in the United States are influenced by culture, which has resulted in a significant difference between public opinion and governmental policies.

METHODOLOGY

This research adopts a qualitative, secondary research approach. It involves the analysis of existing literature, legal documents, and journalistic sources to explore the influence of culture on abortion laws and their societal impacts. This approach allows for an in-depth examination of historical and contemporary perspectives, providing valuable insights into the complex relationship between culture and abortion legislation.

RESULTS & DISCUSSION

In *Roe v. Wade*, Norma Mcorvey, a single pregnant woman, challenged a Texas law that prohibited most abortions (*Roe v. Wade Case Brief Summary*, 2021). When reading the official court documents, Mcorvey argued that one of the reasons she sought an abortion was due to financial constraints and was conflicted on whether to bear an unwanted child with poor financial conditions or seek an illegal, unsafe abortion from an unqualified doctor (*Affidavit of Jane Roe in Roe v. Wade*, 1970). However, when looking at the *Dobbs v. Jackson* case, many trigger bans have happened, perpetuating the problem marginalized communities are facing (Totenberg & McCammon, 2022). According to journalist Nina Totenberg, an esteemed writer and legal affairs correspondent - along with Sarah McCammon, a respected National Political Correspondent for NPR and recipient of the 2020 Garcie Award for her work on reproductive rights - a series of trigger bans aiming to promote anti-abortion legislation have occurred in 15 states across the South, West, and Midwest. Additionally, numerous other states have implemented gestational bans, which restrict abortion at different points during pregnancy, such as 30 days or six weeks after conception.

Moreover, these bans rapidly reduce access to abortion in the USA, with most abortion care facilities - which are stand-alone outpatient facilities - being targeted by these laws and quickly closing. This leaves large areas lacking an abortion facility and diminishes pregnant people's ability to obtain abortion care where they need it (Kimport & Kreitzer, 2023). The United Nations has noted that these clinics not only provide abortion services but also offer other important healthcare for vulnerable individuals. As a result, women are forced to travel longer distances to access abortion services, which creates additional

burdens such as taking time off work, arranging childcare, and covering travel expenses and accommodations (*Human Rights Crisis: Abortion in the United States after Dobbs*, 2023), and overall just reduced access to proper healthcare, especially for those with fewer resources and face discrimination within the healthcare system (*Human rights crisis: Abortion in the United States after Dobbs* 2023).

Journalists Ava Sasani from Northeastern University and Dana Goldstein from the New York Times discuss the rape of a 10-year-old girl in Ohio; the victim, who had to travel out of state for an abortion, has brought to light the harsh reality that pregnancies among girls under 15 are not as rare as commonly believed, and new abortion bans in several states without exceptions for rape or incest will disproportionately affect young pregnant girls, who already face limited abortion options due to existing restrictions (Goldstein & Sasani, 2022). Requirements such as police reports and parental consent can also pose significant barriers for children and teenagers seeking abortions (Goldstein & Sasani, 2022). Despite a significant decrease in pregnancies among girls under 15 in the US due to access to contraception and decreased sexual activity, data from state and federal sources indicate that thousands of such pregnancies still occur annually, with nearly half ending in abortion (Goldstein & Sasani, 2022). In Ohio specifically, the state Department of Health reported that 52 girls under 15 received abortions in 2020, highlighting the ongoing presence and complexity of underage pregnancies (Goldstein & Sasani, 2022). The Human Rights Watch also states how these rules infringe on the right to be free from torture and other cruel, inhuman, or degrading treatment. Justices Breyer, Sotomayor, and Kagan, appointed by Presidents Clinton and Obama, have expressed concern that “young women today will come of age with fewer rights than their mothers and grandmothers” (Totenberg & McCammon, 2022). The reversal of *Roe v. Wade* has subjected US women to similar or worse circumstances as faced by *McCorvey* 50 years ago.

These legislative laws and their detrimental effects all relate to the culture in the USA. The Mississippi state law in *Dobbs v. Jackson Women’s Health Organization*, aiming to prohibit most abortions after 15 weeks, directly challenged the *Roe v. Wade* precedent and was influenced by religious beliefs, particularly Christian organizations (*Dobbs v. Jackson Women’s Health Organization Case Brief Summary | Law Case explained*, 2022). According to the Pew Research Center, from a religious perspective, many pro-life advocates, including Christian organizations, hold the belief that life begins at conception (*Religious Landscape Study*, 2015). This belief informs their position that abortion is morally wrong and should be restricted or prohibited. Similarly, other major non-Christian religions in the United States, such as Hinduism, Islam, and Judaism, generally share the belief that abortion is only permissible under certain circumstances, typically involving risks to the mother’s life or serious fetal abnormalities (*Religious Landscape Study*, 2015).

Moreover, stigma has played a huge factor in views of reproductive rights. According to the Gistamtcher Institution,

2 out of 3 women anticipate stigma if their close ones find out, and are deeply affected by culture (Norris et al., 2011). Additionally, abortion stigma affects various groups, including women who have had abortions, abortion providers, and supporters of women who have had abortions. Women who have had abortions may feel pressured to keep their abortions a secret and anticipate stigma from others, which can impact their psychological well-being and lead them to judge their own abortions as “good” or “bad” based on social acceptability (Norris et al., 2011). Abortion is stigmatized for various reasons, including its violation of traditional feminine ideals of motherhood and sexual purity, the attributing of personhood to the fetus, legal restrictions, perceptions that it is dirty or unhealthy, and the use of stigma as a tool by anti-abortion forces (Norris et al., 2011). It may also be caused by a lack of research and the misconceptualization of abortion (Kimport & Kreitzer, 2023). Stigma is reinforced by legal restrictions, unsafe practices, and claims that abortion hurts women; thus, perpetuating the idea that abortion is morally and physically harmful (Norris et al., 2011). The results of the constant stigmatization of abortion are unsafe abortion practices that can contribute to morbidity and mortality (Norris et al., 2011). Anti-abortion forces intentionally use stigma as a tactic to shape cultural values and beliefs, and erode public support for abortion, with recent events like the *Dobbs* case perpetuating these stigmas and influencing a negative outlook on abortion.

For the first time in 50 years, there has been a significant shift from pro-life to pro-choice, with the majority of Americans believing abortion is morally acceptable and current abortion laws being too strict (Zernike, 2023). Moreover, according to the Pew Research Center, this shift is reflected in the fact that 62% of adults support legalizing abortion, indicating a cultural divide between public opinion and governmental policies (Diamant & Mohamed, 2023). Amplifying this shift is the increased media coverage and the linkage of abortion rights to other top concerns, showcasing the evolving attitudes and awareness surrounding abortion rights (Zernike, 2023). The #ShoutYourAbortion movement on platforms like Twitter and other media advocacy campaigns have played a vital role in humanizing the abortion experience, fostering open dialogue, and challenging stigma (Allan, 2021). Nevertheless, it is essential to note that views on abortion vary depending on the geographical location within the USA (Allan, 2021). While liberal-leaning states tend to support reproductive rights and expand access to safe and legal abortions, conservative-leaning states often hold more restrictive views, aiming to limit access to abortion services (Nadeem, 2023). These findings underline the intricate relationship between culture, legislative laws, and public opinion regarding abortion in the United States.

CONCLUSION

Culture significantly influences the landscape of abortion laws in the United States, impacting access to reproductive healthcare and the rights of marginalized communities. The recent overturning of *Roe v. Wade* in 2022 has intensified the need for further research and advocacy. Future studies should focus on examining the intersection of culture, religion, and abortion laws, as well as strategies to combat stigma, increase media

coverage, and promote open dialogue to shape a more inclusive and equitable reproductive healthcare system. Understanding these dynamics is crucial to advancing reproductive rights and addressing the disparities in access to abortion services.

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